

## **June 6, 2011 - Regular Town Council Meeting**

**At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, June 6, 2011 at 6:00 P.M.**

**Council President Arthur S. Weber, Jr., Presiding**

**Vice President Bruce J. Long**

**Councillor Richard Cambra**

**Councillor Christopher T. Semonelli**

**Councillor Edward J. Silveira, Jr.**

**Councillor Antone C. Viveiros**

**Councillor Barbara A. VonVillas, Members Present**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

## **RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

**There were no reconsiderations.**

## **BUDGET ADOPTION**

### **1. An Ordinance of the Town of Middletown**

**An Ordinance in amendment to the ordinances of the Town of Middletown entitled “Appropriating Revenues of the General Fund for the Fiscal Year July 1, 2011 to June 30, 2012, as amended”.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve the Town of Middletown Final FY2012 General Fund Budget Adjustments dated June 6, 2011, entered here:**

**On motion of Vice President Long, duly seconded, it was voted unanimously to appropriate to the School Department tax revenues in the amount of \$23,004,413 for education – an increase of \$550,000 over FY 2011.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve the FY 2012 through FY 2016 Capital Improvement Plan, in accordance with Town Ordinance Chapter 35 Capital Improvements, as summarized in the Projects and Funding Sources by Department report dated June 6, 2011, entered here:**

**and,**

**To appropriate revenues to the Capital Improvement Program Special Revenue Fund in the amount of \$1,035,000, and**

**That the following restricted appropriations shall be made from the Capital Improvement Special Revenue Fund for the projects specified in the approved Capital Improvement Plan dated June 6, 2011:**

**1) General Fund - \$554,000**

**a) \$170,000 – Support Services**

**b) \$ 40,000 – Information Services**

**c) \$ 25,000 – Building Official**

**d) \$284,000 – Public Works**

**e) \$ 35,000 – Library**

**2) School Department - \$291,200**

**a) \$ 50,000 – Fire Alarm Upgrades**

**b) \$ 38,000 – Interior Painting of Schools**

**c) \$115,200 – High School Roof Replacement**

**d) \$ 13,000 – HVAC Unit Replacement – Gaudet**

**e) \$ 75,000 – Aquidneck Avenue Small Learning Center**

**and,**

**To appropriate revenues to the School Department from the JFK Building Special Revenue Fund in the amount of \$75,000 for the Aquidneck Avenue Small Learning Center project.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve the Fiscal Year 2012 General Fund Budget dated June 6, 2011, entered here:**

**2. Resolution of the Council, re: Tax Levy Resolution.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.**

### **3. An Ordinance of the Town of Middletown**

**An Ordinance in amendment to the ordinances of the Town of Middletown entitled “Appropriating Revenues of the Parks and Recreation Fund for the Fiscal Year July 1, 2011 to June 30, 2012, as amended”.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve the Town of Middletown Final FY2012 Parks & Recreation Fund Budget Adjustments dated June 6, 2011, entered here:**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve the Fiscal Year 2012 Parks & Recreation Fund Budget dated June 6, 2011, entered here:**

### **4. An Ordinance of the Town of Middletown**

**An Ordinance in amendment to the ordinances of the Town of**

**Middletown entitled “Appropriating Revenues of the Sewer Fund for the Fiscal Year July 1, 2011 to June 30, 2012, as amended”.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve the Town of Middletown Final FY2012 Sewer Fund Budget Adjustments dated June 6, 2011, entered here:**

**On motion of Vice President Long, duly seconded, it was voted unanimously to**

- 1) Maintain a Sewer Rate of \$12.15 per 1,000 gallons for all connected sewer users**
- 2) Establish an I&I charge of \$44.10 per connected parcel**
- 3) Establish a Newport Meter Reading Charge of \$37.27 for all connected sewer users**



**Detail entered here:**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve the Fiscal Year 2012 Sewer Fund Budget dated June 6, 2011, entered here:**

**5. An Ordinance of the Town of Middletown**

**An Ordinance in amendment to the ordinances of the Town of Middletown entitled “Appropriating Revenue of the Refuse and Recycling Fund for the Fiscal Year July 1, 2011 to June 30, 2012, as amended”.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve the Fiscal Year 2012 Refuse and Recycling Fund Budget dated June 6, 2011, entered here:**

**Council President Weber thanked all involved for their assistance**

**with the budget process.**

**Councillor Cambra requests the Town Administrator to review the current budget process to involve more input from the public.**

**Vice President Long encourages transparency and supports additional public input concerning the budget.**

**Town Clerk Wendy J.W. Marshall left the meeting at 6:08 P.M.**

## **EXECUTIVE SESSION**

**6. Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (5) land acquisition (West Main Road), (5) land acquisition (Wave Avenue), (5) land acquisition (Hoogendoorn Property), (5) lease (JFK School) and (2) collective bargaining (Police, Fire, Public Works and Town Hall Unions).**

**On motion of Vice President Long, duly seconded, it was voted unanimously to recess to executive session at 6:08 P.M.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene in open session at 6:57 P.M.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to advertise for public hearing regarding the abandonment of a portion of Wave Avenue.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.**

**PUBLIC FORUM SESSION**

**7. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

**David Dill, 141 Busher Drive, noted he is an abutter to Omni Drive and expressed his opposition to a zoning change and commercial development in the area.**

## **PRESENTATION**

**8. Continued from Special Meeting, May 23, 2011**

**Resolution of the Council, re: Commendation for Michael F. Crowley.**

**Council President Weber read and presented the resolution to Michael F. Crowley.**

**Council President Weber noted today is D-Day and recognized Manny Mello for service to the country.**

**On motion of Vice President Long, duly seconded, it was unanimously to pass said resolution.**

**Vice President Long requested addendum item be moved to the top of the agenda.**

**Town Solicitor Michael Miller recused himself from acting on this matter, due to a possible conflict of interest.**

**OTHER COMMUNICATION**

**(Addendum Item) Communication of Patrick O’N. Hayes, Jr., Esquire, representing John G. Richardson, with enclosure, re: Request for a permanent easement and abandonment of a portion of Wave Avenue. (Abandonment requires advertising for public hearing and notification to abutters)**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said communication.**

**Attorney Patrick O’N. Hayes representing John G. Richardson, requests to continue the matter for a permanent easement and abandonment of a portion of Wave Avenue.**

**Acting Town Solicitor J. Russell Jackson noted the Town will advertise for a public hearing for abandonment of a portion of Wave Avenue, along with exploring the possibility of conveyance.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council, June 20th, 2011.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to advertise the abandonment of a portion of Wave Avenue for public hearing.**

**Town Solicitor Michael W. Miller recused himself from acting on the following two items (#9 and #10), due to a possible conflict of interest.**

## **ACTING AS A BOARD OF LICENSE COMMISSION**

**9. Petition of Olin D. Gambrell, President and Beverly J. Travis, Secretary, All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage License to provide outdoor**

**service on July 16, 2011, Annual Steak Fry fundraiser.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said request.**

**10. Petition of Olin D. Gambrell, President and Beverly J. Travis, Secretary, All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage License to provide outdoor service on August 27, 2011, Annual Clam-Boil fundraiser.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said request.**

## **CONSENT**

**11. Approval of Minutes, re: Special Meeting, May 4, 2011.**



**On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.**

**12. Approval of Minutes, re: Special Meeting, May 9, 2011.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.**

**13. Approval of Minutes, re: Regular Meeting, May 16, 2011.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.**

**14. Approval of Minutes, re: Special Meeting, May 18, 2011.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.**

**15. Approval of Minutes, re: Special Meeting, May 23, 2011.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.**

**16. Resolutions from Rhode Island Cities and Towns, re: Requesting support for proposed legislation In Opposition to 2011-S413 & H 5943 that mandates expired teacher contracts must continue at the existing terms and conditions. (See Attached List)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said resolutions.**

**17. Petition of Verizon New England, Inc. for permission to place approximately 193' of conduit, in the grassy sidewalk area, from p.20s to Pedestal 1 on private property on Airport Access Road. (Roads & Utilities recommendation included)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve said petition.**

**18. Notice from the State of Rhode Island, Department of Environmental Management, re: Easton Point Esplanade Area – Easton Bay.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said notice.**

**19. Communication of Ronald Gagnon, P.E. Chief, Office of Technical and Customer Assistance, RI Department of Environmental Management, re: Prospect Avenue culvert.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.**

**20. Memorandum of Luly E. Massaro, Commission Clerk, RI Public Utilities Commission, re: Procedural Schedule for Docket No. 4243, City of Newport Water Division – Multi-year Rate Plan Application.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**21. Communication of Tax Assessor, with enclosures, re: Cancellations of taxes for certain Middletown taxpayers.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication.**

**22. Resolution of the Council, re: Cancellations of taxes for certain Middletown taxpayers.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.**

**23. Memorandum of Town Administrator, re: Adding Language on Snow Removal to Town License Applications.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**24. Application of Lee Patrick Richardson dba Richardson's Ice Cream, Portsmouth for RENEWAL of a Peddler's License for the 2011-2012 licensing year.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.**

**25. Application of William Anthony Excavating, Inc., North Kingstown for RENEWAL of a Drain Layer's License for the 2011-2012 licensing year.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.**

**26. Application of Shaw's Supermarket, Inc. dba Shaw's, 71 East Main Road for RENEWAL of a Mechanical Amusement Device License for the 2011-2012 licensing year.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.**

**27. Application of Walgreen Company #3000 dba Walgreens, 12 East Main Road for RENEWAL of a Holiday Sales License for the 2011-2012 licensing year.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.**

**28. Application of Michael Joseph Nardolillo dba Provencal Bakery, 750 Aquidneck Avenue for RENEWAL of a Holiday Sales License for the 2011-2012 licensing year.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.**

**29. Applications ten (10) from the following named persons, firms or corporations for a Special Event Permit. (See Attached List)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said special event permits.**

## **LICENSES & PERMITS**

**Councillor Silveira recused himself from acting on item #30., due to a possible conflict of interest, business related.**

**30. Application of R&C, LLC dba Braga's Spaghetti & Grinder Shop, 1379 West Main Road for a Victualling House License for the 2010-2011 licensing year. (NEW)**



**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshal, Board of Health and Public Works approvals.**

**31. Application of American Promotional Events dba TNT Fireworks, 1315 West Main Road for a Holiday Sales License for the 2011-2012 licensing year. (NEW)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.**

**32. Application of B.J. Alan Company dba Phantom Fireworks, 741 West Main Road for a Holiday Sales License for the 2011-2012 licensing year. (NEW)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.**

**Councillor Silveira recused himself from acting on item #33, due to a possible conflict of interest.**

**33. Application of Becky A. Hanos dba Just Dogs, Newport, for a Hawker's License for the 2011-2012 licensing year. (NEW; Farmers Market)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.**

## **ORDINANCE**

**34. Memorandum of Town Administrator, re: Amend Third Party Ambulance Billing Rates – Title III, Chapter 36, Fee Schedule, Section (46).**

**Town Administrator Shawn Brown reviewed the memorandum entered here:**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

### **35. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Chapter 36, Fee Schedule, Section (46), Ambulance Billing Rates.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said ordinance on its first reading.**

## **COUNCIL COMMUNICATIONS**

**36. Memorandum of Councillor Viveiros, re: Proposal to implement a Pay As You Go (PAYG) policy.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor Viveiros reviewed his memorandum explaining the need to responsibly fund expenses from Town budgets.**

**Town Administrator Shawn Brown addressed the Council explaining existing ordinances, which address budget transfers.**

**Finance Director Lynne Dible noted budget adjustments occur quarterly and transfers are made between departments to cover expenses.**

**37. Approval of Town Council Summer Meeting Schedule:**

**Monday, July 18, 2011**

**Monday, August 15, 2011**

**On motion of Vice President Long, duly seconded, it was voted unanimously to approve said summer meeting schedule.**

**TOWN ADMINISTRATOR COMMUNICATIONS**

**38. Memorandum of Town Administrator, with enclosures, re: Budget Adjustments as of April 30, 2011.**

**Town Administrator Shawn Brown reviewed the memorandum entered here:**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**39. Resolution of the Council, re: Budget Adjustments – General Fund.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.**

**40. Resolution of the Council, re: Budget Adjustments – Parks & Recreation Fund.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.**

**41. Memorandum of Town Administrator, with enclosures, re: Contract Award: Surveying & Engineering, Forest & Aquidneck Avenue, Road Storm Drain and Sanitary Sewer.**

**Town Administrator Shawn Brown reviewed the memorandum entered below:**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.**

**42. Resolution of the Council, re: Contract Award: Surveying & Engineering, Forest & Aquidneck Avenue, Road Storm Drain and Sanitary Sewer.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.**

## **APPOINTMENTS AND RESIGNATIONS TO BOARDS AND COMMITTEES**

**43. Email communication from Maryalice Huggins, re: Resignation from Open Space and Fields Committee.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to accept said resignation with regret.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 7:35 P.M.**

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**Karin H. Clancey**



## **Deputy Town Clerk**

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